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United States Department of Agriculture

AGRICULTURAL MARKETING SERVICE¹

NOTICES OF JUDGMENT UNDER THE INSECTICIDE ACT

[Given pursuant to section 4 of the Insecticide Act]

1746-1762

[Approved by the Acting Secretary of Agriculture, Washington, D. C., October 3, 1940]

1746. Misbranding of D-Stroy. U. S. v. 36 Dozen Pint Cans and 12 Dozen Quart Cans of D-Stroy. Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 2152. Sample No. 67409-D.)

The quart cans were found to contain less than 1 quart each of this product. The labeling also bore false efficacy claims.

On August 14, 1939, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation at Scranton, Pa., of 36 dozen pint cans and 12 dozen quart cans of an article known as D-Stroy, alleging that the article had been shipped in interstate commerce on or about March 27, 1939, by the Ultra Chemical Works, Inc., from Paterson, N. J., and charging misbranding in violation of the Insecticide Act of 1910.

The article contained in the quart cans was alleged to be misbranded in that the statement, "one quart," was false and misleading, and that by reason of the said statement the article was labeled so as to deceive and mislead purchasers, since each of the quart cans did contain less than 1 quart of the article. The article contained in all of the cans was alleged to be misbranded in that the statements, "D-Stroy The Arch Foe of Insect Life * * * Flies * * * Spray until room is filled with mist; keep room closed for ten to fifteen minutes. Will work more effectively if windows and doors are closed. BED BUGS: The beds have to be taken apart and all cracks or places where the bugs may be hidden in the frame have to be thoroughly sprayed, using D-STROY generously. ROACHES and ANTS: Spray D-STROY into all cracks where insects may hide. Even if the insects escape to hiding places, they will soon die. * * * FLEAS: Spray cracks in floor boards and all other possible hiding places," borne on the labels, were false and misleading, and that by reason of the said statements the article was labeled so as to deceive and mislead purchasers, since it would not be effective against all insect life, and, when used as directed, it would not control fleas and would not be an effective control of bed bugs, roaches, ants, and fleas.

On April 4, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and it was ordered that the product be destroyed.

PAUL H. APPLEBY,
Acting Secretary of Agriculture.

1747. Misbranding of Germotox. U. S. v. Fourteen 30-Gallon Drums, Two 20-Gallon Drums, and Two 60-Gallon Drums of Germotox. Decree of condemnation and forfeiture. Product released to claimant for relabeling. (I. & F. No. 2168. Sample No. 64951-D.)

This product was found to have a phenol coefficient of much less than that declared on the label, it would not act as a disinfectant when used as directed, would not disinfect or purify the air or be effective in preventing the spread of diseases mentioned, it would not act as a germicide or antiseptic for washing

¹ Responsibility for the enforcement of the Insecticide Act was transferred to the Agricultural Marketing Service, effective June 30, 1940. The Food and Drug Administration which had administered the act was transferred on that date from the Department of Agriculture to the Federal Security Agency under the terms of Reorganization Plan No. IV.

of doctors' or nurses' hands or for washing surgical instruments, as claimed on the label.

On February 2, 1940, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel against eight 30-gallon drums of Germotox at Nashville, Tenn., on February 5, 1940, the libel was amended to cover fourteen 30-gallon drums, two 20-gallon drums, and two 60-gallon drums of the product. It was alleged in the libel as amended that the article had been shipped in interstate commerce on or about November 28, 1939, by the Pioneer Manufacturing Co., from Cleveland, Ohio, and that it was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statements "F. D. A. Phenol Coefficient 5.5 * * * Disinfectant Air Washing Common Colds, Grippe, Influenza, Children's Diseases, etc. necessitate precaution. Spray full strength GermotoX until air in room is saturated. * * * Deodorizer Air Purifier * * * Spray the air with a good air compression hand sprayer or diffusing machine, using full strength GermotoX, Germicide. Antiseptic. * * * Excellent for washing doctor's or nurse's hands, Surgical instruments, * * *," borne on the labels, were false and misleading, and by reason thereof the article was labeled so as to deceive and mislead purchasers, since the article did not possess a phenol coefficient of 5.5, when tested according to the F. D. A. method, but did possess a phenol coefficient of less than 5.5, namely, not more than 0.2; the article would not act as a disinfectant when used as directed, it would not disinfect or purify the air, and it would not be effective in preventing the spread of common colds, grippe, influenza, children's diseases, etc.; and the article would not act as a germicide or antiseptic, when used for washing doctors' or nurses' hands and surgical instruments.

On April 12, 1940, the Pioneer Manufacturing Company, Cleveland, Ohio, having appeared as claimant and having admitted the facts set forth in the libel, and having consented to the entry of a decree of condemnation, judgment of condemnation and forfeiture was entered and it was ordered that the product be released to the claimant, under bond, for relabeling in accordance with the intent of the Insecticide Act of 1910.

PAUL H. APPLEBY,
Acting Secretary of Agriculture.

1748. Misbranding of Sodium Silico Fluoride. U. S. v. 20 Barrels of Sodium Silico Fluoride. Consent decree of condemnation. Product released under bond for reconditioning or relabeling. (I. & F. No. 2174. Sample Nos. 64235-D, 64245-D.)

Samples of this product were found to consist of sodium silico fluoride and water in varying amounts, the water content probably being the result of damage while in transit. The labels or containers failed to bear the ingredient statements required by law.

On March 18, 1940, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 barrels of sodium silico fluoride, at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about December 11, 1939, by E. I. Dupont DeNemours, Inc., from New York, N. Y., and charging that it was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that it consisted partially of inert substances, namely, substances other than sodium silico fluoride, and the name and percentage amount of each of the said inert substances were not stated plainly and correctly, or at all, upon the barrels containing the article or on the labels affixed to the said barrels; nor in lieu thereof, were the name and percentage amount of each substance or ingredient of the article having insecticidal properties, and the total percentage of the inert substances so present therein, stated plainly and correctly, or at all, on the said barrels or labels.

On April 17, 1940, Van Waters & Rogers, Inc., Seattle, Wash., having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond to be reconditioned so as to conform with the Insecticide Act of 1910 and sold as an insecticide or to be relabeled to indicate that it was

for use as laundry sour only. The product was reconditioned by drying and was relabeled "Sodium Silico Fluoride (Fluosilicate) Active Ingredients: Sodium Silico Fluoride 97% Inert 3%."

PAUL H. APPLEBY,
Acting Secretary of Agriculture.

1749. Adulteration and misbranding of Krystyl-Kleer. U. S. v. 21 Cans of Krystyl-Kleer. Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 2178. Sample No. S1150-D.)

Sample packages of this product were found to contain less than the stated amount of the article. It was also found that the article contained less calcium hypochlorite and less available chlorine than were stated on the label, and that it would not act as an effective disinfectant in the dilution recommended.

On March 29, 1940, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 cans of Krystyl-Kleer, at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about December 26, 1939, by the Consumers Supply Co., from Lancaster, Pa., and charging that it was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it contained calcium hypochlorite in a proportion less than 5.6 percent and contained available chlorine in a proportion of less than 5.5 percent.

The article was alleged to be misbranded in that the statements, "Calcium Hypochlorite 5.6% * * * Available Chlorine 5.5%", borne on the label, were false and misleading, and by reason thereof the article was labeled so as to deceive and mislead purchasers, since it contained calcium hypochlorite in a proportion less than 5.6 percent and contained available chlorine in a proportion less than 5.5 percent.

The article was alleged to be misbranded further in that the statements, "Directions Method No. 1 For Combined Washing and Disinfecting of Bar Glassware. Recommended Only For Glasses That Will Rinse Clean. Permits elimination of chlorine odor from glass after disinfecting. Use one-half ounce of the powder to the gallon of water. This will provide available chlorine to approximate 200 p. p. m. (parts per million). Rinse glasses under clear, running water; then wash in the prepared powder and water solution. Rinse again to remove odor of chlorine and place in an inverted position on drain board to dry. Polishing with a cloth, or towel will not be necessary as glasses washed by this method will dry with a Krystyl-Kleer luster. Method No. 2 For Disinfecting In A Final Rinse. Under this method Krystyl-Kleer is recommended as a bactericidal or germicidal rinse for Bar, Restaurant and Soda Fountain use in disinfecting glassware, dishes and silverware, etc. Prepare solution in a clean receptacle, consisting of one-half ounce of the powder to the gallon of water. This will, as mentioned above, provide available chlorine to approximate 200 p. p. m. After washing articles in the proper manner, immerse them in this solution for at least two minutes; remove and allow them to drain and dry. Hand drying is not recommended. Where inspection is maintained by local health department and only 100 p. p. m. of available chlorine is required, use one-quarter ounce of the powder to the gallon of water. Consult your health department as to the amount of chlorine they require in a rinsing solution and how long they require articles to be immersed in such a solution" and "5 Pounds Net," borne on the label, were false and misleading, and by reason thereof the article was labeled so as to deceive and mislead purchasers, since it would not act as an effective disinfectant when used in the dilution recommended, the solution prepared as directed would not contain the amount of available chlorine claimed on the label, and each of the packages contained less than 5 pounds net of the article.

On April 29, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and it was ordered that the product be destroyed.

PAUL H. APPLEBY,
Acting Secretary of Agriculture.

1750. Adulteration of Clenol. U. S. v. Hyman Frieden (Cavalier Laboratories). Plea of guilty. Fine, \$15. (I. & F. No. 2146. Sample Nos. 35016-D, 35099-D, 35100-D.)

Samples of this product were found to contain a smaller proportion of sodium hypochlorite and a larger proportion of inert ingredients than were stated on the label.

On October 20, 1939, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Hyman Frieden, trading as the Cavalier Laboratories, at Norfolk, Va., alleging shipment in interstate commerce on or about November 14, 1938, and March 15, 1939, from Norfolk, Va., into the State of North Carolina, of quantities of Clenol, which was an adulterated fungicide within the meaning of the Insecticide Act of 1910. The article was labeled, in part: "Sodium Hypochlorite 5%, Inert Ingredients 95%."

The article was alleged to be adulterated since its strength and purity fell below the professed standard under which it was sold, in that it contained sodium hypochlorite in a proportion less than 5 percent, and contained inert ingredients in a proportion greater than 95 percent.

On May 6, 1940, the defendant entered a plea of guilty, and a fine of \$15 was imposed.

PAUL H. APPLEBY,
Acting Secretary of Agriculture.

1751. Misbranding of Gem Self-Sterilizing Mop. U. S. v. 94 Bales and 53 Bales of Gem Self-Sterilizing Mop. Consent decree of condemnation and forfeiture. Product released to claimant for relabeling. (I. & F. No. 2181. Sample No. 10221-E.)

Samples of this product were found not to bear the required ingredient statement. The label bore false representation that the article would act as a germicide, disinfectant, antiseptic, and sterilizer, and that its use would be proof against mold.

On April 25, 1940, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation at New York, N. Y., of 94 bales, each containing one gross, and 53 bales, each containing one-half gross, of Gem Self-Sterilizing Mops, alleging that the article had been shipped in interstate commerce on or about February 2, 1940, by William D. Whitaker, from Philadelphia, Pa., and charging that it was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the following statements were false and misleading, and by reason thereof the article was labeled so as to deceive and mislead purchasers, since it was not germicidal or antiseptic or mold proof, it was not self-sterilizing, and it did not carry powerful antiseptic, germicidal, and disinfecting or sterilizing agents that would destroy harmful bacteria or that would sterilize the mops: (Sticker label on units of 12 mops) "Gem SS Self-Sterilizing Mops * * * " (Label around mops) "Germicidal Antiseptic Mold Proof Gem SS Self-Sterilizing Mop Patented Antiseptic Core. Strands of this mop carry a combination of Powerful antiseptic germicidal, disinfecting materials that filter through the yarn to destroy harmful Bacteria Stand Mop to Sterilize and Dry, in Every Strand the Antiseptic Core * * * 'a Scientific Discovery' The Gem-SS (Self Sterilizing) Mops incorporate a patented scientific discovery. ' * * * to Self-Sterilize' The Four absorbent piles of yarn in the Gem-SS Mop are twisted around a core that has been impregnated with powerful sterilizing agents. When Mop is wet, the chemicals slowly filter through the strands to Self Sterilize the entire Mop. The Powerful antiseptic being slowly soluble in water, will last through continued use. ' * * * kill Germs, Bacteria.' It is important that a mop should be a sterile and sanitary tool. * * *."

The article was alleged to be misbranded further in that it consisted, partially, of inert substances and the name and the percentage amount thereof were not stated plainly and clearly, or at all, on the label affixed to the article; nor in lieu thereof were the name and percentage amount of each and every substance or ingredient of the article having fungicidal properties, and the total percentage of the inert substances and ingredient so present therein, stated plainly and correctly, or at all, on the label.

On May 25, 1940, William D. Whitaker, claimant, having admitted the truth of the allegations of the libel and having consented to the entry of a decree, a judgment of condemnation was entered and it was ordered that the product

be released to the claimant, under bond, to be relabeled so as to comply with the requirements of the Insecticide Act of 1910 and all other laws, Federal or State, relating thereto, such relabeling to be done under the supervision of the Food and Drug Administration of the United States Department of Agriculture.

PAUL H. APPLEBY,
Acting Secretary of Agriculture.

1752. Adulteration and misbranding of Dry Dip. U. S. v. 14 25-Pound Pails of Dry Dip. Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 2163. Sample No. 55889-D.)

Examination showed that the labels for this product failed to bear the ingredient statements in the manner required by the law.

The product contained a smaller percentage of active ingredients and a greater percentage of inert ingredients than were stated. It was also found to be inefficacious as a disinfectant for stables and pens, stalls, and flu germs when used as directed; and inefficacious against poultry insects, and for the control of all garden and plant bugs when used as directed.

On January 2, 1940, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of fourteen 25-pound pails of "A Remedy Sometimes Erroneously Called Dry Dip," at Sterling, Ill.; alleging that the article had been transported in interstate commerce on or about August 18, 1939, by the German Laboratories, from Cedar Rapids, Iowa; and charging that it was an adulterated and misbranded insecticide and fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "50% inert matter, 50% total active ingredient."

The article was alleged to be misbranded in that the statements "50% inert matter, 50% total active ingredient * * * This is used for combating Flu Germs in live stock. * * * Sprinkle plenty of this remedy in the hogs bedding * * * A Killer and Repellant for Some Things, Used for Combatting Flu Germs, For Horses and Cattle * * * Disinfect the stables, pens, or stalls well after each cleaning * * * For Poultry Clean the poultry house or coops and sprinkle floors well with Flu Remedy as well as roosts before putting in fresh bedding. Make a dust bath for the hens to roll in by using 10 parts wood ashes to one part Flu Remedy. Caution If dusting the poultry direct, dilute the Flu Remedy with 10 parts fine air slack lime or wood ashes to one part Flu Remedy," "For Garden Or Plant Bugs Sprinkle Flu Remedy on the young vine or plant while the dew is on, so that the powder will stick to the leaves and stem," borne on the label, were false and misleading, since it contained inert matter in a proportion greater than 50 percent, and contained active ingredients in a proportion less than 50 percent; since it was not a disinfectant and when used as directed would not disinfect stables, pens, or stalls, would not act as a killer and repellent of germs, would not combat flu germs, and would not be effective against insects that infest or attack poultry; and, when used as directed, would not control all garden and plant bugs. The article was alleged to be misbranded further in that it consisted partially of inert substances or ingredients, and the name and percentage amount thereof were not stated plainly and correctly, or at all, on the label; nor in lieu thereof were the name and percentage amount of each and every substance or ingredient having insecticidal or fungicidal properties and the total percentage of the inert substances or ingredients, stated plainly and correctly on the label.

On June 3, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and it was ordered that the product be destroyed.

The article also was alleged to be misbranded under the Food, Drug, and Cosmetic Act, as reported in a notice of judgment published under that act.

PAUL H. APPLEBY,
Acting Secretary of Agriculture.

1753. Misbranding of Sananize. U. S. v. Two 5-Gallon Cans, and Sixteen 2-Gallon Cans of Sananize. Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 2166. Sample No. 79708-D.)

This product was found to be ineffective for immunization of buildings from disease, for prevention of flu, cholera, roup, and tuberculosis, in poultry and

domestic animals and for the disinfection of farm buildings and animal quarters; ineffective for wiping out mites, lice, bedbugs, and all other insects, for keeping insects out of buildings for many months with one spraying, and for the killing of flies and other insects. It was also found to contain no lime-sulphur or iodine, as claimed on the label.

On or about January 19, 1940, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two 5-gallon cans and sixteen 2-gallon cans of Sananize at Freeport, Ill., alleging that the article had been shipped in interstate commerce on or about August 19, 1939, by the Farm Sananize Manufacturing Company, from Sibley, Iowa, and charging that it was a misbranded insecticide and fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statements, "Sananize—Superior—Supreme Immunize Your Poultry, Hog and Farm Buildings From Diseases * * * Sananize Prevents Hog Flu Necro, Cholera, Leucemia, Roup, Tuberculosis, Etc. * * * Spray the sheds and beds. This will also disinfect the quarters * * *. Necro Germs And Any Germs wiped out with Sananize. * * * It is best to disinfect buildings before they are cleaned out. * * * Sanitation cleans any building of Germs. Sananize Is Sanitation. * * * Germs and Insects are bad and Sananize gets them all. Spray Sananize * * * it Disinfects the buildings at the same time. * * * For ordinary Disinfecting mix as stated below. * * * Sananize—A Farm Disinfectant * * * enables a farmer to turn waste oil into a fine disinfectant. Concentrate—Make Your Own Disinfectant—Concentrate * * * " " * * * Guaranteed by Manufacturer Never to Have an Insect in Your Buildings for Many Months if They Are Sprayed With Sananize! Sananize * * * Mites, Lice, Bed Bugs And Insects entirely wiped out. After many years of work on a disinfectant that would meet these requirements, we have successfully developed a product that will keep insects out of buildings many months with one spraying. * * * Spray well all side walls, roost poles and nest boxes. If infested with bed bugs, spray ceiling also * * * In Horse Barns, Cow Barns, Sheep Sheds, etc., are hangouts for Flies * * * Insects are bad and Sananize gets them all. Spray Sananize for flies, etc. * * * " "Ingredients—A penetrating wood preserver, medicated naphtha oil with formaldehyde, iodine, lime-sulphur, menthol and other products * * *." borne on the label, were false and misleading, and by reason thereof the article was labeled so as to deceive and mislead purchasers, since it would not immunize buildings from disease, would not prevent flu, cholera, roup, and tuberculosis, would not act as a germicide and disinfectant, and would not disinfect things and places for which it was recommended, when used as directed; it would not wipe out mites, lice, bed bugs, and all other insects, would not keep all insects out of buildings for many months with one spraying, and would not kill flies, etc., when used as directed; and the article did not contain lime-sulphur or iodine, as stated on the label.

On June 3, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and it was ordered that the product be destroyed.

The article also was alleged to be misbranded under the Food, Drug, and Cosmetic Act, as reported in a notice of judgment, published under that act.

PAUL H. APPLEBY,

Acting Secretary of Agriculture.

1754. Adulteration and misbranding of Arnold Arsenate of Lead Cartridge. U. S. v. Garden Hose Spray Co., Inc. Plea of guilty. Fine, \$25. (I. & F. No. 2169. Sample Nos. 57612-D, 78996-D.)

Samples of this product, tested according to the directions on the label, caused serious injury to peach and apple foliage. The product when used as directed would not control insects and would not control fungous diseases of plants.

On May 1, 1940, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Garden Hose Spray Co., Inc., Cambridge, Mass., alleging shipment in interstate commerce on or about December 17, 1938, January 13, and August 2, 1939, from Cambridge, Mass., and Boston, Mass., into the States of California and Pennsylvania, respectively, of quantities of Arnold Arsenate of Lead Cartridges, which were alleged to be adulterated and misbranded within the meaning of the Insecticide Act of 1910.

The article in each shipment was alleged to be adulterated, since it was intended for use on vegetation, and it contained a substance or substances that would be injurious to such vegetation when so used.

The article in each shipment was alleged to be misbranded in that the following statements, borne on the labels, were false and misleading, and by reason thereof the article was labeled so as to deceive and mislead purchasers, since the article would not control codling moth, canker worm, peach twig borer, and all other similar chewing insects, and would not control fungous diseases, when used as directed: Arsenate of Lead Cartridges For use in Garden Hose Insecticide Sprayers for the control of Codling Moth, Canker Worm, Peach Twig Borer, and other similar chewing insects. * * * For Control of Fungous Diseases.

On June 4, 1940, a plea of guilty was entered and a fine of \$25 was imposed.

PAUL H. APPLEBY,

Acting Secretary of Agriculture.

1755. Misbranding of Jan-O Insecticide. U. S. v. Janitors Supply House, Inc. Plea of guilty. Fine, \$15 and costs. (I & F. No. 2172. Sample No. 47737-D.)

Samples of this product were found not to be 100 percent effective insecticide and the product was found not to control flies or all other insect pests when used as directed.

On April 30, 1940, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Janitors Supply House, Inc., Baltimore, Md., alleging the shipment in interstate commerce on or about August 29, 1939, from Baltimore, Md., into the District of Columbia, of a quantity of Jan-O Insecticide, which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statements "Jan-O Insecticide 'Kills 'Em Quick' * * * Kills Insect Pests * * * Jan-O Liquid Insecticide is effective for destruction of * * * flies * * * Jan-O Insecticide is 100% active," borne on the label, were false and misleading, and by reason thereof the article was labeled so as to deceive and mislead purchasers, since, when used as directed, it would not control flies and would not control all other insect pests, and it would not be a 100 percent effective insecticide.

The article was also alleged to be misbranded under the Federal Caustic Poison Act, as reported in notice of judgment No. 100, published under that act.

On June 5, 1940, a plea of guilty was entered on behalf of the defendant, and the court imposed a fine of \$15 and costs for violation of both acts.

PAUL H. APPLEBY,

Acting Secretary of Agriculture.

1756. Misbranding of Kreole disinfectant. United States v. Manhattan Kreole Products, Inc. Plea of guilty. Fine, \$100. (I. & F. No. 2091. Sample No. 26406-D.)

The label for this product failed to bear the required ingredient statements. False efficacy claims concerning the effectiveness of the article as a disinfectant and as an insecticide were borne on the label.

On March 17, 1939, the United States attorney for the Eastern District of New York, acting upon a report of the Secretary of Agriculture, filed in the district court an information against the Manhattan Kreole Products, Inc., Brooklyn, N. Y., alleging shipment in interstate commerce on or about May 28, 1938, from Brooklyn, N. Y., into the State of Connecticut, of a quantity of Kreole disinfectant, which was a misbranded insecticide and fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that it consisted partially of an inert substance, water, and the label did not bear the name and the percentage amount of the said inert ingredient; nor in lieu thereof did the label bear the name and percentage amount of each and every ingredient having insecticidal or fungicidal properties, and the total percentage of the inert ingredient so present therein. The article was alleged to be misbranded further in that the statements, "Kreole Disinfects best * * * Kreole best for sickroom and home. Kreole is the ideal disinfectant for home and sickroom. At full strength it kills insects and odors. Disinfectant * * * For ordinary purposes use 4 tablespoonfuls to 1 gallon of water," borne on the label affixed to the bottles containing the article, were false and misleading, and by reason thereof the article was labeled so as to deceive and mislead purchasers, since

it did not disinfect best and was not best for sickroom and home; it would not kill all insects and odors when used as directed; and it was not an effective disinfectant in the dilution specified on the label.

On May 3, 1939, a plea of guilty was entered and a fine of \$100 was imposed.

PAUL H. APPIEBY,

Acting Secretary of Agriculture.

1757. Misbranding of M-E Superchlor Klo-Rid. U. S. v. Patterson Laboratories, Inc. Plea of guilty. Fine \$50. (I. & F. No. 2171. Sample No. 55863-D.)

This product was found to contain less sodium hypochlorite and more inert ingredients than were stated on the label. The label and the bulletin shipped with the product bore unwarranted claims that the article would disinfect all the places and objects listed on the label and in the bulletin, at the dilution claimed thereon; that it would disinfect the places and things so specified and would disinfect against foul brood, when used as directed, would keep down high bacterial count and would control all diseases in tree trunks; would repel bean beetles, rose bugs, and all other insects, would kill mites and nits of fleas, would repel and kill nits, larvae, and eggs of lice and fleas, would repel all insects, plant worms, bean beetles, and rose bugs, and would destroy most forms of larvae and eggs, when used as directed.

On April 25, 1940, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Patterson Laboratories, Inc., Detroit, Mich., alleging shipment in interstate commerce on or about June 8, 1939, from Detroit, Mich., into the State of Indiana, of a quantity of M-E Superchlor Klo-Rid which was a misbranded insecticide and fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the following statements, borne on the label and in a bulletin shipped with the said article, were false and misleading, and in that by reason of the said statements the article was labeled so as to deceive and mislead the purchasers, since it contained sodium hypochlorite in a proportion much less than 4 percent and contained inert ingredients in a proportion greater than 96 percent; in that the article would not disinfect all the places and objects referred to and mentioned on the label and in the bulletin, when the dilution contained only 50 parts per million of available chlorine; in that the article would not disinfect against foul brood when used as directed, would not keep down high bacterial count, and would not control all diseases in tree trunks; and in that the article would not repel bean beetles, rose bugs, and all other insects, would not kill mites and nits and fleas, would not repel and kill nits, larvae, and eggs of lice and fleas, would not repel all insects, plant worms, bean beetles, and rose bugs, and would not destroy most forms of larvae and eggs, when used as directed:

(Label) "Sodium Hypochlorite 4% Inert Ingredients 96%" * * * (Label and bulletin) "CAUTION" * * * The strength of the dilution should not be allowed to fall below fifty parts per million available Chlorine." (Label) "Bath—Use one cup Solution to disinfect tub and water. * * * Beer Parlors—Use one oz. solution in each four gallons water. * * * To Disinfect Cans, Pails, Strainers, Churns, etc.—Use one oz. solution in each four gallons water. Milking Machines—Use one oz. solution in four gallons water. Place the teat cup and tubes in a position so the dilution can remain in same while not using. * * * Hospitals and Public Buildings—To disinfect and deodorize bed pans, sputum cups, bowls, bottles, nipples, etc., use one oz. solution in each gallon rinse water. * * * Baby Chicks, Poultry and all other fowl—Keep one oz. solution to each four gallons drinking water at all times, and spray often with one oz. solution in each gallon water all coops, brooders, incubators, batteries, walls and floors." (Bulletin) "Hotels, Hospitals, Restaurants, Rooming Houses or other Public Buildings—Use one ounce M-E in each three gallons rinse water for dishes, pans, jars and glasses. For sputum cups, chambers, waste pails, bath tubs and other receptacles, use one ounce M-E to each gallon rinse water * * * Beer Parlors—Use one ounce M-E to each four gallons rinse water, for glasses. * * *," "Milking Machines—Immediately after milking, draw cold water through the teat cups. Then place in a five gallon stone jar containing a dilution of one ounce M-E in three gallons water till next milking. * * *," "Nursing Bottles and Nipples—One ounce M-E to each gallon water. * * * Barber Shops and Beauty Parlors—Use one ounce M-E to each gallon water for cups, bowls, tools, etc. * * * Nursery Floors and Walls—Wash or spray with

a dilution of one ounce M-E in each gallon water. Fruit Jars—Wash thoroughly. Then rinse with a dilution of two tablespoonsful of M-E to a gallon of water. * * * Beverage Makers—To prevent souring and thickening, rinse all crocks, etc., in a solution of M-E, using two tablespoons of M-E to each gallon water. Also rinse bottles in same strength solution just before bottling product. This will destroy harmful bacteria. * * * Dog Kennels—Spray animals, pens or runways each day, using one ounce M-E in gallon water. * * * Dog Kennels—Clean pens and runways daily, spray at least once a day using one ounce M-E to each gallon water. * * * Hogs— * * * spray all pens and runways often using one ounce M-E in each gallon water, saturate completely. * * * Disinfecting and Deodorizing—Wash away all filth from floors, gutters, mangers and walls, saturate all mentioned till wet using a dilution of one ounce M-E to each gallon water. * * * ,” “Surgical and Dental Instruments—One ounce M-E in each gallon water. * * * ,” “Renovating or Disinfecting Bee Hives—Wash hives thoroughly inside and out, using 3 ounces of M-E to 1 gallon of water, * * * ,” “To Disinfect and Keep Down High Bacteria—For Pasteurizers, Coolers, Vats, Churns, Ice Cream Machines, Separators, Fillers, Cans, Pails, Milk Bottles, Pads or other equipment, wash thoroughly as usual, then use one ounce M-E to each four gallons rinse water. Immerse or rinse all surface completely and allow to remain in dilution five minutes, don't allow dilution to fall below fifty parts per million available chlorine during use,” “Pigeons and Parrots—Spray the coop, nesting and cages often * * * ,” “Disease in Tree Trunks—Mix one pint M-E in each two gallons water, saturate the trunk thoroughly with brush or sprayer. * * * ,” (Label and bulletin) “Disinfectant Antiseptic Germicide Deodorant” “Doctors and Veterinaries—Use one ounce M-E in each gallon water to disinfect tools, etc.” * * * (Label) “As a Repellent for Bean Beetles, Rose Bugs or other Insects—Spray foliage with a dilution of four oz. solution in each gallon water. * * * ,” (Bulletin) “To * * * Destroy Mites and Nits—Use one ounce M-E to each gallon bath water. For fleas, use M-E clear, * * * ,” “Lice, Fleas and Nits on Animals—As a repellent and destroyer for larva and egg in most cases, thoroughly saturate the surface of the animal with a dilution of one part M-E in three parts water. * * * ,” “Plants, Vines and Shrubbery—For a repellent to insects and plant worms, also as a destroyer for most forms of larva and egg, spray all the foliage thoroughly with a dilution of four ounces of M-E in each gallon water. * * * Bean Beetle and Rose Bugs—Use Directions for plants, vines and shrubbery. * * * .”

On June 4, 1940, a plea of guilty was entered and a fine of \$50 was imposed.

PAUL H. APPLEBY.

Acting Secretary of Agriculture.

1758. Adulteration and misbranding of Coal Tar Disinfectant. U. S. v. One 50-Gallon Drum of Coal Tar Disinfectant. Default decree of condemnation and destruction. (I. & F. No. 2183. Sample No. 318-E.)

Analysis of a sample of this product showed that mineral oil had been substituted, in part, for the article, and the label did not bear the required ingredient statement.

On May 1, 1940, the United States attorney for the Western District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one 50-gallon drum of alleged coal tar disinfectant at Lando, S. C., alleging that the article had been shipped in interstate commerce on or about March 6, 1940, by the Apex Chemical Company, from Apex, N. C., and charging that the product was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be adulterated in that the statement, “Coal Tar Disinfectant”, borne on the label, purported and represented that the article consisted completely of coal tar disinfectant, whereas another substance, mineral oil, had been substituted in part for the article.

The article was alleged to be misbranded in that the statement, “coal tar disinfectant”, borne on the label, was false and misleading, and that by reason of the said statement the article was labeled so as to deceive and mislead the purchaser, since it did not consist completely of coal tar disinfectant but did consist, in part, of a mixture of coal tar disinfectant and mineral oil. It was alleged to be misbranded further in that it consisted partially of inert substances, namely, water and mineral oil, and the name and percentage amount of each of the inert substances were not stated plainly and correctly, or at

all, on the label; nor, in lieu thereof, were the name and percentage amount of each substance or ingredient of the article having fungicidal properties, and the total percentage of the inert substances, stated plainly and correctly on the label.

On June 12, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and it was ordered that the product be destroyed.

PAUL H. APPLEBY,

Acting Secretary of Agriculture.

1759. Adulteration and misbranding of Wilson's Tri-Tox-Cide. U. S. v. Andrew Wilson, Inc. Plea of guilty. Fine, \$100. (I. & F. No. 2161. Sample Nos. 60,712-D, 69,196-D.)

Analysis of a sample of this product showed that it contained a smaller percentage of derris resins and sulfur, and a greater percentage of inert ingredients, than were stated on the label.

On June 10, 1940, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Andrew Wilson, Inc., Springfield, N. J., alleging shipment in interstate commerce on or about January 18 and February 3, 1939, from Summit, N. J., into the States of New York and Massachusetts, of quantities of Wilson's Tri-Tox-Cide, which was an adulterated and misbranded insecticide and fungicide within the meaning of the Insecticide Act of 1910.

The article in both shipments was alleged to be adulterated, in that its strength and purity fell below the professed standard and quality under which it was sold, since it contained derris resins in a proportion less than 4 percent, contained sulfur in a proportion less than 25 percent, and contained inert ingredients in a proportion greater than 71 percent.

The article in both shipments was alleged to be misbranded in that the statements, "derris resins, not less than 4.00%, sulfur (Airfloated) 25.00%, inert ingredients, not more than 71.00%," borne on the label, were false and misleading, and by reason thereof the article was labeled so as to deceive and mislead the purchaser, since it contained a smaller percentage of derris resins, a smaller percentage of sulfur, and a greater percentage of inert ingredients than were stated on the label.

On June 17, 1940, a plea of guilty was entered and a fine of \$100 was imposed.

PAUL H. APPLEBY,

Acting Secretary of Agriculture.

1760. Misbranding of Germotox. U. S. v. The Pioneer Manufacturing Co., Inc. Plea of nolo contendere. Fine, \$25 and costs. (I. & F. No. 2175. Sample No. 64951-D.)

This product possessed a phenol coefficient much lower than that stated on the label. The label also bore unwarranted claims that the product, when used as directed, was a disinfectant, would disinfect and purify the air, would be effective in preventing the spread of common colds, grippe, influenza, children's diseases, etc., and would act as a germicide and antiseptic for washing doctors' and nurses' hands and surgical instruments.

On May 3, 1940, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Pioneer Manufacturing Co., Inc., Cleveland, Ohio, alleging shipment in interstate commerce, on or about November 28, 1939, from Cleveland, Ohio, into the State of Tennessee, of a number of drums of Germotox, which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statements, "This solution has an F. D. A. Phenol Coefficient 5.5" * * * "Disinfectant Air Washing Common colds, Grippe, Influenza, Children's Diseases, etc., necessitate precaution. Spray full strength GermotoX until air in room is saturated. * * * Deodorizer Air Purifier * * * Spray the air with a good air compression hand sprayer or diffusing machine, using full strength GermotoX." * * * "Germicide Antiseptic * * * Excellent for washing doctor's or nurse's hands, Surgical Instruments. * * *," borne on the label affixed to the drums containing the article, were false and misleading, and by reason thereof the article was labeled so as to deceive and mislead purchasers, since it possessed a phenol coefficient much lower than 5.5, when tested according to the F. D. A. method, since it would not act as a disinfectant, it would not disinfect or purify the air, and it would not be effective in preventing the spread of com-

mon colds, grippe, influenza, children's diseases, etc., when used as directed, and since it would not act as a germicide or as an antiseptic when used for washing doctors' or nurses' hands or surgical instruments.

On June 26, 1940, a plea of *nolo contendere* was entered and a fine of \$25 and costs was imposed.

PAUL H. APPLEBY,
Acting Secretary of Agriculture.

1761. Misbranding of Go-Go. U. S. v. Henry M. Schoen (H. M. Schoen & Co.).
Plea of guilty. Fine, \$75. (I. & F. No. 2037. Sample No. 46698-C.)

The label for this product bore unwarranted claims that it would sterilize hotel and restaurant ware, bar glassware, beer coils, and that it would free beer coils from bacteria.

On May 2, 1938, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Henry M. Schoen, trading as H. M. Schoen & Co., Springfield, Ill., alleging shipment in interstate commerce on or about October 15, 1937, from Springfield, Ill., into the State of Pennsylvania, of a quantity of Go-Go, which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the following statements, borne on the label, were false and misleading, and by reason of the said statements it was labeled so as to deceive and mislead the purchaser, since it would not sterilize hotel and restaurant ware, bar glassware, or beer coils, and would not free beer coils from bacteria, when used as directed: "Go-Go * * * Sterilizes Hotel and Restaurant Ware * * * Go-Go * * * Sterilizes Bar Glassware * * * Beer Coils To free beer coils from every atom of bacteria, place three tablespoonsful of Go-Go in your tank. Then fill the tank with water. Let this Go-Go solution run through the hose, coil and faucet. When the solution has run out, refill the tank with clear cold water and let it run off through the coils, hose and faucet. Your delivery system will then be in a thoroughly sterilized * * * condition * * * Sterilize your coils twice a week."

On June 27, 1940, a plea of guilty was entered, and fine of \$75 was imposed.

PAUL H. APPLEBY,
Acting Secretary of Agriculture.

1762. Misbranding of Germ-I-Tabs. U. S. v. 1½ Dozen Boxes of Germ-I-Tabs.
Default decree of condemnation and destruction. (I. & F. No. 2184. Sample No. 6325-E.)

The label for this product bore unwarranted claims that it was a germicide, that it was effective for use in the shop for wet sterilizing, and that it would disinfect instruments, combs, brushes, drainboards, and similar articles, when used as directed. The product consisted partially of inert substances, or ingredients, and the label did not bear the ingredient statement required by law.

On May 18, 1940, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1½ dozen boxes, each containing 60 tablets, of Germ-I-Tabs, at Butte, Mont., alleging that the article had been shipped in interstate commerce on or about January 3, 1940, by Estey's Inc., from Seattle, Wash., and charging that it was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the following statements, borne on the label, were false and misleading, and by reason of the said statements it was labeled so as to deceive and mislead purchasers, since it was not a germicide, it would not be effective for use in the shop for wet sterilizing, and it would not disinfect instruments, combs, brushes, drainboards, and similar articles, when used as directed: "Germ-I-Tabs The Modern Convenient Economical Germicide * * * Suggestions for Use in The Shop for Wet Sterilizing * * * Suggestions for Using Germ-I-Tabs in the Shop * * * Disinfecting Instruments, Etc. * * * If means for boiling are not available, wash instruments carefully with soap and water. Then make a solution by dissolving one Germ-I-Tab in one pint of water. Immerse for five minutes. Wipe carefully and place in dry Sterilizer. Disinfecting Combs, Brushes, Etc. For disinfecting combs, brushes and various utensils, first wash them thoroughly with hot water and soap, or hold them under the hot water faucet. Then dissolve one Germ-I-Tab in one pint of water and immerse combs, brushes, etc., for ten or fifteen minutes. Wipe dry and place in dry sterilizer until needed. Drain-boards

and some utensils that cannot be immersed conveniently should first be washed with hot water and soap and then rinsed with a Germ-I-Tab solution. * * * The convenience of always having an ample supply of an effective germicide, antiseptic and personal deodorant in tablet form recommends Germ-I-Tabs for the shop and house as well as to travelers, tourists, hunters, campers, etc.,"

The article was alleged to be misbranded further in that it consisted partially of inert substances, namely, substances other than sodium paratoluenesulfon-chloramide, and the name and percentage amount of each of the inert substances or ingredients were not stated plainly and correctly on the label; nor in lieu thereof were the name and percentage amount of each substance or ingredient of the article having fungicidal properties, and the total percentage of the inert substances or ingredients so present therein, stated plainly and correctly on the label.

On July 30, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and it was ordered that the product be destroyed.

PAUL H. APPLEBY,
Acting Secretary of Agriculture.

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